

39. (new) The chain drive according to claim 1 wherein the polygon is formed to drive a round link chain.

40. (new) The chain drive according to claim 1 wherein the chain wheel polygon (29) is shifted outwardly by equivalent polygon straight lines (26) for shifting together points of intersection (17) along the periphery.

41. (new) The chain drive according to claim 1 wherein the chain wheel polygon (29) is shifted outwardly by equivalent polygon straight lines (26) for placing ten points of intersection (17) along the periphery.

#### **REMARKS**

Claims 1 through 38 continue to be in the case. New claims 39 through 41 are being introduced.

Claim 1 is being amended.

Claim 39 is based on paragraph [0042] of the Patent application Publication of Oct. 3, 2002.

Claims 39 to 41 are being provided to read specifically to read on the group B selected by the applicant according to the present requirement for election.

The Office Action refers to Election/Restrictions

According to the Office Action, this application contains claims directed to the following patentably distinct species of the claimed invention:

"Fig. 2"--Group A--,

"Fig. 3" --Group B--,

"Fig. 5" --Group C--.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 9, 21, 24, 29 are generic.

Applicant is selecting group B and Fig.3 to be examined first in view of patentability.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The species elected is group B.

The claims readable on group B are:

2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 22, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41.

The claims deemed to be generic are:

1, 17, 21, 24, 29.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(x).

Applicant is not traversing the election requirement based on future consideration of patentability of the remaining groups in case patentability should be found for the elected group B.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is not traversing the restriction requirement.

A telephone call was made to Frank Nawalanic on March 4, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.


Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is electing group B relating to Fig. 3.

All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

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